

CEMETERY BOARD MEETING

MINUTES

June 9, 2010

The Cemetery Board met on January 20, 2010, at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The following members were present:

Randy Gleason, Chair
David Gilliam, Vice-Chair
Mike Kirsch
Delores King
Isabel Berney

DPOR staff present for all or part of the meeting included:

Gordon Dixon, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Herb Nichols, Investigator
Earlyne Perkins, Legal Analyst
Emily Trent, Administrative Assistant

Mr. Gleason called the meeting to order at 9:00 AM

Call to Order

A motion was made by Mr. Kirsch and seconded by Ms. Berney to approve the agenda. The motion passed unanimously. Members voting “Yes” were Berney, Gilliam, Gleason, King and Kirsch.

Agenda

A motion was made by Ms. King and seconded by Mr. Gilliam to approve the following minutes: January 20, 2010, Board Meeting; March 16, 2010, Informal Fact-Finding Conference; March 31, 2010, Board Meeting; and April 20, 2010, Informal Fact-Finding Conference. The motion passed unanimously. Members voting “Yes” were Berney, Gilliam, Gleason, King and Kirsch.

Minutes

Michael Doherty, Virginia Cemetery Association (VCA) member, addressed the Board offering assistance to the Board on behalf of the VCA. No action was taken by the Board.

Public Comment

In the matter of **File Number 2010-04211, Rest Haven Cemetery**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Gilliam and seconded by Ms. Berney to accept the recommendation to approve Deborah Martz as the trustee of the perpetual care and preneed trust funds for Rest Haven Cemetery contingent upon providing evidence of fidelity bonds in force in the amount of the trusts, with the notation of a grammatical correction to the Summary of the Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Berney, King, Gleason and Gilliam.

**File Number 2010-04211,
Rest Haven Cemetery**

Due to a possible conflict of interest, Mr. Kirsch did not participate in the discussion or vote in this matter.

In the matter of **File Number 2010-02268, SCI Virginia Funeral Services, Inc.**, the Board reviewed the Consent Order as seen and agreed to by SCI Virginia Funeral Services, Inc. A motion was made by Mr. Kirsch and seconded by Ms. King to accept the Consent Order wherein SCI Virginia Funeral Services, Inc. admits to 2 *violations* of §54.1-2325.A (Count 1) of the *Code of Virginia*, and 3 *violations* of §54.1-2319 (Count 2) of the *Code of Virginia* and agrees to a monetary penalty of \$500.00 for each violation contained in Count 1, and \$300.00 for each violation contained in Count 2, and agrees to pay \$150.00 in Board costs for a total of \$2,050.00. The motion passed unanimously. Members voting "Yes" were Berney, Gilliam, Gleason, King and Kirsch.

**File Number 2010-02268,
SCI Virginia Funeral
Services, Inc.**

In the matter of **File Number 2010-00792, S. E. Cemeteries of Virginia, Inc.**, the Board reviewed the Consent Order as seen and agreed to by S. E. Cemeteries of Virginia, Inc. A motion was made by Mr. Gilliam and seconded by Mr. Kirsch to accept the Consent Order wherein S. E. Cemeteries of Virginia, Inc. admits to a violation of 18 VAC 47-20-190.13 (Count 1) of the Board's 2000 Regulations, and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1, and agrees to pay \$150.00 in Board costs for a total of \$550.00. The motion passed unanimously. Members voting "Yes" were Berney, Gilliam, Gleason, King and Kirsch.

**File Number 2010-00792,
S. E. Cemeteries of
Virginia, Inc.**

In the matter of **File Number 2010-00141, Cemetery Investments, LLC**, the Board reviewed the record which consisted of the Consent Order. A motion was made by Ms. King and seconded by Mr. Gilliam to accept the Consent Order wherein Cemetery Investments, LLC admits to 3 *violations* of 18 VAC 47-20-190.13 (Count 1) of the Board's 2000 Regulations, and agrees to a monetary penalty of \$250.00 for each violation contained in

**File Number 2010-00141,
Cemetery Investments,
LLC**

Count 1, and agrees to 150.00 in Board costs for a total of \$900.00. The motion passed unanimously. Members voting "Yes" were Berney, Gilliam, Gleason and King.

Due to a possible conflict of interest, Mr. Kirsch did not participate in the discussion or vote in this matter.

Jeff Waite, Budget Manager, addressed the Board concerning fee increases for Cemetery licensees. A motion was made by Ms. Berney and seconded by Ms. King to accept Proposal A from the presentation given by Mr. Waite. The motion passed unanimously. Members voting "Yes" were Berney, Gleason, Gilliam, King and Kirsch. **Administrative**

A motion was made by Ms. Berney and seconded by Mr. Kirsch to have staff initiate the process for regulatory review to increase fees in the Cemetery regulations. The motion passed unanimously. Members voting "Yes" were Berney, Gleason, Gilliam, King and Kirsch.

A motion was made by Ms. King and seconded by Mr. Gilliam to authorize staff to initiate the regulatory review process effective July 1, 2010, for Emergency Regulations for the Cemetery Board. The motion passed unanimously. Members voting "Yes" were Berney, Gleason, Gilliam, King and Kirsch.

The Board discussed a letter submitted by Mr. Murray concerning §54.1-2322. A motion was made by Mr. Gilliam and seconded by Mr. Kirsch to defer the matter to the October 20, 2010, Cemetery Board meeting and request a consultation from the Office of the Attorney General. The motion passed unanimously. Members voting "Yes" were Berney, Gleason, Gilliam, King and Kirsch. **New Business**

The meeting adjourned at 9:54 A.M.

Adjourn

Randolph Gleason, Chair

Gordon Dixon, Secretary